

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

IN RE:

Frank J. DiCicco

Case No. 22-42468

Debtor.

Chapter 13

X

RESPONSE TO THE TRUSTEE DEMANDS

**State of New York)
County of Queens)ss.**

Frank J. DiCicco being duly sworn, deposes as follows regarding Trustee's demands:

I am very grateful to the trustee for giving me a chance. I have asked my lawyer to respond as follows regarding the trustee request. My response to the trustee affidavit corresponds to the numbered demands of the trustee.

1. The trustee wants 2022 tax returns. I have had an accountant prepare the tax returns and same has been supplied to the trustee. I did not have an reportable income. The House also belongs to my sister. In 2019, I received \$1150 per month on account of my disability. The Trustee is talking about my bankruptcy filing of 2019. My attorney Mr. Dahiya has shown me the schedule I of the 2019 filing. The income here other than my social security and my sister contribution is not very clear to me. When I filed my chapter 11 At that we included a renter, but it wasn't for \$2800. I did not make any reportable income in 2019. When I filed my chapter 11 around October, 2022 at that point we did have renter called Michael for three months and then he left. He lost his job, he could pay the rent. Then I spoke to a tax preparer and I was told that two months rent is not reportable income. Also my job as a nutritionist consultant was for a couple of months. I could not work more due to my disability. I had 18 surgeries on various parts of my body with general anesthesia. I had four lower back serious surgeries. I had a neck surgery. I had reconstruction surgery to my foot two times. I had reconstruction surgeries to both my shoulders. I had knee surgery twice on left knee. I had hand surgery to my left for torn tendons. I had a nose reconstruction surgery. I lost eight teeth, I had to get surgery done. I have a severe pulmonary respiratory condition. I have chronic arthritis and severe inflammation. I need help to walk. I have

tremendous pain my joints. It has not been easy for me to live. And on top of this, I have an autistic son as a single parent. Life has become a challenge for me. So I did not and could not work as a nutritionist for long to support.

2. The trustee wants a fair market value of my assets and business valuation on the date of the filing. . I do not have any business tools, inventory, gadgets, or tangible goods, other than my experience and it with lot of pain. I cannot commodify my general oral guidance that I provide to anyone needing nutrition guidance. There is no fair market value. I speak from my experience. I do not know how to price the same. I do not have any receivables as of the date of the filing of the case. I can only share with you, what I have charged, and what a willing client has paid me whenever I have had an opportunity to work. It is only 35 dollars for consultation. I speak to them on the phone. People are referred through some gym or personal train that knew me in my past.

3. The “Trustees made a request for an Amended Plan, to either outline that the case is going forward due to the loss of Mitigation, or the property is going to be sold. Debtor has sent conflicting signals to the Trustee.” I am not going through loss mitigation. I have filed a lawsuit against the lender regarding my house. Whatever the outcome of the lawsuit, it shall be binding on the case. My case depends on the lawsuit outcome. The property would be sold depending on the outcome of the lawsuit. My claims were never adjudicated against Emigrant Bank.

4. The trustee wants amendment to schedule I to list contribution of my sister of \$1,600.00. I have already amended the same. It is there on the bankruptcy docket. My sister lives with me. We pool our resources together; we share our expenses. My sister is not paying for real estate directly. Also, the new tenant has moved out as he could not pay the rent. So it seems that I will have to amend again, as the tenant moved out.

5. The trustee wants me to have a motion to retain a real estate broker to sell the property. But I am not selling the property as long as my lawsuit is not decided. I do not want to pay to the Emigrant more than what is rightfully owed. We have been treated very badly by Emigrant.

6. I have told my attorney to file an attorney declaration. It has been filed for the 341 meeting. I have already appeared before the trustee and I was already examined. I do not understand that why I have to go through this again. I am told that trustee is not clear about my chapter 13 plan.

Chapter 13 plan is a legal document. I do not know what to answer, my attorney can answer that.
Why do the trustee want me again?

7. The Trustee wants amended schedule AB to list proper balances," in my accounts on the date of the filing of the case. I have changed the Plan. I am making 100% to any unsecured creditor. At the time of bankruptcy filing I had only Chase bank account. I had only \$150 in it. I do not understand what is a proper balance for a bank account. Why is \$150 not a proper balance if that is the amount I had.

8. I had missed listing my SUV Dodge 2012 as an asset. I am amending the schedule to list the same. I am reminded of the claim filed by one company for SUV. However, I never ever received a bill from this company for last 8 years. I will ask my attorney to review it and take steps. I am surprised by it. I will run my credit history to find out if there are other creditors. I will amend my schedule if there are creditors missing.

9. My email address is: ThreadStone@gmx.com

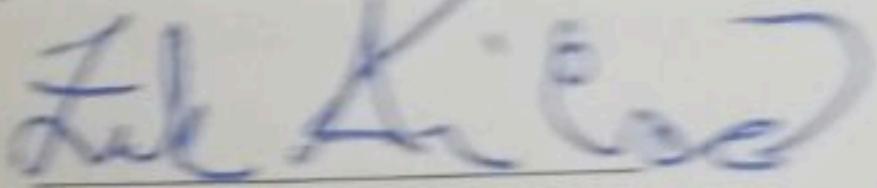
10. The trustee is asking my lawyer to file proof of claim. This is a legal issue. I do not understand this. I have left it to my lawyer to do what he wants to do.

11. The trustee wants a 341 meeting again because he wants to ascertain my intention. This is a legal issue. I do not know how to respond to that. I want to keep my property as the claim is not properly asserted against me by Emigrant. I have filed a claim. Once the claim is set I will either sell or refinance as the court will suggest.

12. I am grateful to the trustee waiving operating reports. I will consult with my accountant regarding taxes to do the needful as required by law.

Wherefore, I request the trustee and the court to understand my situation and justice be done.

Dated: Queens New York


Frank DiCicco